

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARTIN SMOLOWITZ, on Behalf of Himself	:	CASE NO. 03 cv 12613 RCL
And All Others Similarly Situated,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
IBIS TECHNOLOGY CORP,	:	
and MARTIN J. REID,	:	
	:	
Defendants.	:	

FRED DEN, on Behalf of Himself	:	CASE NO. 04 cv 10060 RCL
And All Others Similarly Situated,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
IBIS TECHNOLOGY CORP,	:	
and MARTIN J. REID,	:	
	:	
Defendants.	:	

JEFFREY WEINSTEIN, on Behalf of Himself	:	CASE NO. 04 cv 10088 RCL
And All Others Similarly Situated,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
IBIS TECHNOLOGY CORP,	:	
and MARTIN J. REID,	:	
	:	
Defendants.	:	

[PROPOSED] ORDER CONSOLIDATING
RELATED CASES

[Additional captions on the following page]

GEORGE HARRISON, on Behalf of Himself And All Others Similarly Situated,	:	CASE NO. 04 cv 10286 RCL
	:	
Plaintiff,	:	
v.	:	
	:	
IBIS TECHNOLOGY CORP,	:	
and MARTIN J. REID,	:	
	:	
Defendants.	:	
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ELEANOR PITZER, on Behalf of Herself And All Others Similarly Situated,	:	CASE NO. 04 cv 10446 RCL
	:	
Plaintiff,	:	
v.	:	
	:	
IBIS TECHNOLOGY CORP,	:	
and MARTIN J. REID,	:	
	:	
Defendants.	:	

WHEREAS, on March 5, 2004, a motion to consolidate the above-captioned actions pursuant to § 21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. §78u-4(a)(3)(B), and Rule 42(a), Fed.. R. Civ. 42(a), were filed by Martin Smolowitz and George Harrison;

NOW, THEREFORE, it is hereby ORDERED that:

I. CONSOLIDATION

1. The following actions are hereby consolidated for all purposes into one action pursuant to Rule 42(a) of the Federal Rules of Civil Procedure and 15 U.S.C. §78u-4(a)(3)(B)(ii):

<u>Case Name</u>	<u>Docket No.</u>
<i>Smolowitz v. Ibis Technology Corp., et al.</i>	Case No. 03 cv 12613 RCL
<i>Den v. Ibis Technology Corp., et al.</i>	Case No. 04 cv 10060 RCL
<i>Weinstein v. Ibis Technology Corp., et al.</i>	Case No. 04 cv 10088 RCL
<i>Harrison v. Ibis Technology Corp., et al.</i>	Case No. 04 cv 10286 RCL
<i>Pitzer v. Ibis Technology Corp., et al.</i>	Case No. 04 cv 10446 RCL

2. The foregoing actions shall be referred to herein as the “Consolidated Actions.” This Order shall apply to the Consolidated Actions and to any and all cases that are subsequently filed in this Court or transferred to this Court, which action is brought against the defendants Ibis Technology Corp. (“IBIS”), Martin J.Reid and/or any other related defendant concerning the subject matter of the Consolidated Actions.

3. The caption for the Consolidated Actions shall be *In re Ibis Technology Corp. Securities Litigation*, Case No. 03 cv 12613RCL. Every pleading in these Consolidated Actions shall bear the following caption:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE IBIS TECHNOLOGY CORP.
SECURITIES LITIGATION**

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)
)

Case No.03 cv 12613 RCL

4. This Court requests the assistance of counsel in calling to the attention of the clerk of this Court the filing or transfer of any case which might properly be consolidated as part of the Consolidated Actions.

II. MASTER DOCKET AND MASTER FILE

5. A Master Docket and Master File are hereby established for the Consolidated Actions. The Master File shall be Case No. 1:03 cv 12613 RCL. Entries in the Master Docket shall be applicable to these Consolidated Actions as more fully set forth below.

III. NEWLY-FILED OR TRANSFERRED ACTIONS

6. When a case that arises out of the subject matter of the Consolidated Actions is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

- a. file a copy of this Order in the separate file for such action;
- b. mail a copy of this Order to the attorneys for the plaintiff(s) in the newly filed or transferred case and to any new defendant(s) in the newly filed or transferred case; and
- c. make the appropriate entry in the docket for this action.

7. Each new case which arises out of the subject matter of the Consolidated Actions that is filed in this Court or transferred to this Court shall be consolidated with this action and this Order shall apply thereto, unless a party objecting to this Order or any provision of this Order shall, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, file an application for relief from this Order or any provision herein and this Court deems it appropriate to grant such application.

IV. DOCUMENT RETENTION

8. During the pendency of this litigation, or until further order of this Court, the parties shall take reasonable steps to preserve all documents within their possession, custody or control, including computer-generated and stored information and materials

such as computerized data and electronic mail, containing information that is relevant to or which may lead to the discovery of information relevant to the subject matter of the pending litigation.

IT IS SO ORDERED.

Dated: _____

By: _____
United States District Judge